

**REDACTED -- Public Version, filed 5/15/06**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,

Plaintiff/Counter-Defendant.

vs.

PECHINEY PLASTIC PACKAGING, INC.

Defendant/Counter-Plaintiff.

Civil Action No. 04-1278-KAJ

**REDACTED**

**CRYOVAC'S SUBMISSION ON CONTESTED JURY INSTRUCTIONS<sup>1</sup>**

Cryovac hereby submits for the Court's consideration the following documents relating to jury instructions:

1. Cryovac's Proposed Jury Instructions with Supporting Authorities – Tab A;
2. Pechiney's Proposed Jury Instructions Annotated with Cryovac's Objections – Tab B;
3. Chart demonstrating the correspondence of Cryovac's Jury Instructions to Pechiney's Jury Instructions – Tab C.

*Michele Sherretta*

John W. Shaw (No. 3362)  
Elena C. Norman (No. 4780)  
Michele Sherretta (No. 4651)  
YOUNG CONAWAY STARGATT  
& TAYLOR, LLP  
The Brandywine Building, 17th Floor  
1000 West Street  
Wilmington, Delaware 19801  
(302) 571-6600

<sup>1</sup> The parties are far apart on many instructions and diverge significantly on the controlling law. Cryovac is submitting this document for the Court's convenience, insofar as Pechiney did not agree to including Cryovac's objections to Pechiney's proposed instructions in a joint submission. Accordingly, Cryovac hereby submits its Proposed Jury Instructions with authorities, along with those of Pechiney's Jury Instructions to which Cryovac objects, annotated with Cryovac's objections. (Red-line versions of Pechiney's objected-to instructions annotated are also included for those instructions to which Cryovac will agree, provided that the indicated changes are made.) A chart demonstrating the correspondence of Cryovac's Jury Instructions to Pechiney's instructions also is included to assist the Court in identifying counterpart instructions. See Tab C. This chart also indicates those instructions to which the parties have agreed.

**REDACTED -- Public Version, filed 5/15/06**

Of counsel:

Ford F. Farabow, Jr.

Joann M. Neth

Rebecca D. Hess

Courtney B. Meeker

Mark J. Feldstein

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

901 New York Avenue, N.W.

Washington, D.C. 20001-4413

Attorneys for Plaintiff Cryovac, Inc.

Dated: May 10, 2006